

AN ORDINANCE BY  
COUNCILMEMBER

*Felicia A. Moore*  
FELICIA MOORE

09-○-1376

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AN ORDINANCE TO AMEND ARTICLE X, CHAPTER 2, DIVISION 4, SECTION 2-1212 OF THE ATLANTA CITY CODE OF ORDINANCES TO REQUIRE PROOF OF AVAILABLE FUNDS TO BE ATTACHED TO ALL LEGISLATION SUBMITTED TO CITY COUNCIL FOR THE AWARD OF CONTRACTS INVOLVING THE EXPENDITURE OF CITY FUNDS; AND FOR OTHER PURPOSES.

WHEREAS, the respective committees of City Council consider legislation to award contracts for goods and services to be provided to the agencies under their jurisdiction; and

WHEREAS, pursuant to Atlanta City Charter Section 6-402 (c) the Chief Financial Officer is obligated to certify the availability of funds for all contracts to be awarded; and

WHEREAS, the Chief Financial Officer is not able to attend committee meetings that are held at conflicting times in order to certify the availability of funds where legislation for the award of contracts is before multiple committees; and

WHEREAS, the management of the City's budget requires accurate information as to payment obligations and revenue available; and

WHEREAS, Section 2-1212 of the Atlanta City Code states, as follows:

Sec. 2-1212. Encumbrances required for contracts.

(a) *Application.* This section shall apply to all departments, bureaus, agencies and offices of the city. Notwithstanding any other provision of this chapter, no city official, employee or appointee shall incur any liability on behalf of the city under contracts of any kind, including but not limited to purchase orders, unless sufficient funds have been encumbered or otherwise made available for such liability.

(b) *Verification of funds availability and encumbrances for contracts.* The chief procurement officer and the chief financial officer shall encumber funds for department, bureau, agency or office contracts, at the appropriate fund, account and center level,

with an established dollar amount which is within the approved line item budget for such department, bureau, agency or offices, unless funds are otherwise made available. Each department, bureau, agency and office head shall be responsible for maintaining appropriate internal expenditure and order controls to ensure that the authorized contract amounts and appropriations are not exceeded. No encumbrances shall be made if funds are not available for such purposes, unless the chief financial officer deems the expenditure critical and identifies supplemental appropriations.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,  
HEREBY ORDAINS as follows:

Section 1: That Section 2-1212 of the Code of Ordinances, City of Atlanta, Georgia, is hereby amended as set out below in bold text:

Sec. 2-1212. Encumbrances required for contracts.

(a) *Application.* This section shall apply to all departments, bureaus, agencies and offices of the city. Notwithstanding any other provision of this chapter, no city official, employee or appointee shall incur any liability on behalf of the city under contracts of any kind, including but not limited to purchase orders, unless sufficient funds have been encumbered or otherwise made available for such liability. **All legislation submitted to council to authorize the award of a contract involving the expenditure of funds shall be accompanied by a copy of the using agency's requisition or other documentary proof of the encumbrance of funds to pay for the contract.**

(b) *Verification of funds availability and encumbrances for contracts.* The chief procurement officer and the chief financial officer shall encumber funds for department, bureau, agency or office contracts, at the appropriate fund, account and center level, with an established dollar amount which is within the approved line item budget for such department, bureau, agency or offices, unless funds are otherwise made available. Each department, bureau, agency and office head shall be responsible for maintaining appropriate internal expenditure and order controls to ensure that the authorized contract amounts and appropriations are not exceeded. No encumbrances shall be made if funds are not available for such purposes, unless the chief financial officer deems the expenditure critical and identifies supplemental appropriations.

**Section 2:** That all ordinances or parts of ordinances in conflict with this ordinance are waived to the extent of the conflict.